

Statement of: Accused Police Officer Charles MCCLAY Star #4735, Employee
[REDACTED] Unit 006, relative to the following allegations:

1. It is alleged by the complainant Captain Joseph VACLAVIK, Star# 97, Unit 001; that on 17 October 2011 at 1625 hours, at 819 S. State Street, Chicago, IL, the accused P/O Charles MCCLAY, Star #4735, Employee # [REDACTED], Unit 006, failed to properly secure a weapon belonging to him, to wit; a Sig-Sauer, blue steel, .9mm caliber pistol, Model P226, Serial # U702613; by storing it in a locker at the above location, resulting in said weapon being stolen.

Statement Taken at: Bureau of Internal Affairs / Investigations Division

Questioned and Typed by: Sergeant Mark A. Higgs # 1914, Unit 121

Date and Time: 3 November 2011 at 0610 hrs.

Body of Statement

HIGGS: Please state your name, rank, star number, and unit of assignment?
MCCLAY: Name Charles MCCLAY Star 4735, Unit of assignment, 006th District, and I'm a PO.

HIGGS: What is your date of appointment and your employee number?
MCCLAY: Date of appointment is 27 October 2007, [REDACTED]

HIGGS: How long have you been assigned to your present unit?
MCCLAY: A little over a year now.

HIGGS: Please sign into clear and acknowledge your allegations.

HIGGS: Have you been advised in writing of the allegations against you, the name of the complainant, the date/time of the incident(s) and your administrative rights?
MCCLAY: Yes

HIGGS: Did you read and understand these allegations and your rights?
MCCLAY: Yes

HIGGS: Are you represented by a counsel of your choice, if so, identify her for the record?
MCCLAY: The counsel sitting on my left is Sara Walsh.

HIGGS: What is your attorney's address and phone number?
MCCLAY: 206 S. Jefferson, Suite 100 Chicago, IL 312-655-7660

HIGGS: **Rule 14 of the Chicago Police Department's Rules and Regulations prohibits making a false report written or oral. You may be separated from the Chicago Police Department if you make a false report. Do you understand this?**

MCCLAY: Yes

HIGGS: Are you aware that this statement has the standing of an official Chicago Police Department report, and that any intentional falsification of any answer to any question would be in direct violation of Department Rules and Regulations, and could result in additional allegations being placed against you?

MCCLAY: Yes

HIGGS: Are you ready to give your statement at this time?

MCCLAY: Yes, This statement is not being given voluntarily, but under duress. I am only giving this statement at this time because I know I will lose my job if I refuse.

HIGGS: What was your duty status on 17 October 2011 at 1625 hours?

MCCLAY: I was off duty.

HIGGS: On the above stated date and time, were you the owner of a Sig-Sauer, blue steel, .9mm caliber pistol, Model P226, Serial # U702613?

MCCLAY: Yes

HIGGS: On 17 October 2011 at 1625 hrs were you at the XSPORT Fitness Health Club located at 819 S. State Street Chicago, Illinois?

MCCLAY: Yes

HIGGS: While in the XSPORT Fitness Health Club located at 819 S. State Street Chicago, IL, did anything unusual occur?

MCCLAY: Yes an unknown subject cut the lock off my locker and took my duty weapon which was in a holster, my wallet with all my credentials, several credit cards, house keys, car keys, and clothing, *along with star CDM*

HIGGS: While in the XSPORT Fitness Health Club located at 819 S. State Street Chicago, IL, did you store your weapon to wit, a Sig-Sauer, blue steel, .9mm caliber pistol, Model P226, Serial # U702613; and if so, in what manner did you store it?

MCCLAY: It was stored in my backpack that was in a holster that was placed in the locker with a lock; a combination master lock.

HIGGS: Were there other persons present in the locker room when you placed that weapon in the locker?

MCCLAY: Yes

HIGGS: Did anyone see you place that weapon inside the locker?

MCCLAY: No, because it was inside my backpack.

HIGGS: What type of lock did you use? *CDM*

MCCLAY:

HIGGS: What happened to that lock?

MCCLAY: It was cut.

HIGGS: What happened to that Sig-Sauer, blue steel, .9mm caliber pistol, Model P226, Serial # U702613?

MCCLAY: It was stolen from the locker, which was placed in the backpack.

HIGGS: Upon finding out that the firearm was stolen, what action did you take?

MCCLAY: I notified the supervisor at XSPORT as well as security, and I called 911 and notified them that my weapon was stolen.

HIGGS: Was that theft reported under [REDACTED]?

MCCLAY: Yes

HIGGS: Did you recover your weapon?

MCCLAY: Yes, it was recovered by 001st District Officers, on the 018th of October 2011. Recovered by Officer LEE # 17554 and Officer DAVIS # 7558.

HIGGS: Where was the weapon found?

MCCLAY: It was stated that it was found on the lower level the gym along with my other belongings that were stolen from the locker.

HIGGS: Who found the Weapon?

MCCLAY: Property was found by [REDACTED] the porter at XSport fitness.

HIGGS: Do you know if there were any other thefts that occurred at that health club?

MCCLAY: Not to my knowledge.

HIGGS: Is there anything else that you want to add to this statement?

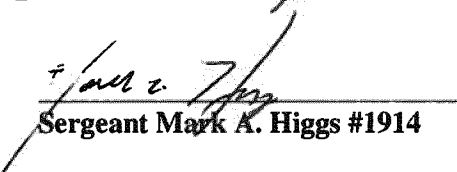
MCCLAY: NO sir.

HIGGS: After reading this statement consisting of 3 pages and finding it to contain the answers you gave to the questions you were asked, will you sign it?

MCCLAY: Yes

Statement Concluded at: 0630 hours.

 #4735
PO Charles MCCLAY Star# 4735


Sergeant Mark A. Higgs #1914